

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VASZUEZ TINOCO GASPAR,

Petitioner,

v.

LOWELL CLARK,

Respondent.

NO. C14-1673-JCC-JPD

REPORT AND  
RECOMMENDATION

Proceeding *pro se*, petitioner filed the instant habeas corpus petition pursuant to 28 U.S.C. § 2241, challenging the length of his detention at the Northwest Detention Center in Tacoma, Washington. Dkt. 5. Respondent has moved to dismiss the petition as moot because petitioner has been removed to Mexico. Dkt. 10; *see also* Dkt. 10-1 (Nelson Declaration attesting to petitioner's removal on January 8, 2015). The Court agrees with respondent.

Under Article III of the U.S. Constitution, federal courts may adjudicate only actual, ongoing cases or controversies. *Deakins v. Monaghan*, 484 U.S. 193, 199 (1988). "For a habeas petition to continue to present a live controversy after the petitioner's release or deportation . . . there must be some remaining 'collateral consequence' that may be redressed by success on the petition." *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007). Because petitioner's habeas petition challenges only the length of his detention at the Northwest

1 Detention Center, his claims were fully resolved by release from custody. *See id.* at 1065.  
2 Accordingly, there is no collateral consequence that could be redressed by the Court, and  
3 petitioner's habeas petition must be dismissed as moot. *See id.*

4 For the foregoing reasons, the Court recommends that respondent's motion to dismiss,  
5 Dkt. 10, be GRANTED; petitioner's habeas petition, Dkt. 5, be DENIED as moot; and this action  
6 be DISMISSED without prejudice. A proposed order accompanies this Report and  
7 Recommendation.

8 Objections to this Report and Recommendation, if any, should be filed with the Clerk  
9 and served upon all parties to this suit by no later than **March 5, 2015**. Failure to file  
10 objections within the specified time may affect your right to appeal. Objections should be  
11 noted for consideration on the District Judge's motion calendar for the third Friday after they  
12 are filed. Responses to objections may be filed within **fourteen (14)** days after service of  
13 objections. If no timely objections are filed, the matter will be ready for consideration by the  
14 District Judge on **March 6, 2015**.

15 DATED this 12th day of February, 2015.

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17 JAMES P. DONOHUE  
18 United States Magistrate Judge  
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